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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 UNITED STATES OF AMERICA,
7
8 Plaintiff,

9 v.
10 SUSAN S. CRANE,
11 Defendant.

12 CASE NO. CR10-5586BHS

13 ORDER DENYING
14 DEFENDANT'S MOTION TO
15 MODIFY SENTENCE

16 This matter comes before the Court on Defendant Susan S. Crane's ("Crane")
17 motion to modify sentence (Dkt. 228). The Court has reviewed the briefs filed in support
18 of and in opposition to the motion and the remainder of the file and hereby denies the
19 motion for the reasons stated herein.

20 On December 13, 2010, a jury found Crane guilty of trespassing on Bangor Naval
21 Base. Dkt. 123. On March 28, 2011, the Court sentenced Crane to 15 months of
22 imprisonment to be followed by one year of supervised release. Dkt. 186. On August 30,
23 2011, Crane filed a motion to modify her sentence requesting that her sentence be
24 modified so that she is ordered to serve her one year of supervised release in confinement.
25 Dkt. 228. On September 6, 2011, the Government responded. Dkt. 229.

26 A district court may increase a sentence of incarceration only where modification
27 is expressly permitted by statute or permitted by Federal Rule of Criminal Procedure 35.
28 18 U.S.C. § 3582(c)(1)(B). Where a defendant fails to meet these requisites, the district
court lacks jurisdiction to modify her sentence. *United States v. Barragan-Mendoza*, 174
F.3d 1024, 1028 (9th Cir. 1999) ("District courts do not have inherent authority to
resentence defendants at any time."); *United States v. Hovsepian*, 307 F.3d 922, 927 (9th

1 Cir. 2002) (same). Federal Rule of Criminal Procedure 35(a), provides that the district
2 court may modify a sentence within 14 days of imposing it, in order to “correct a sentence
3 that resulted from arithmetical, technical, or other clear error.” Fed. R. Crim. P. 35(a).

4 In this case, the Court lacks jurisdiction to increase Crane’s sentence of
5 imprisonment. Therefore, it is hereby **ORDERED** that Crane’s motion to modify
6 sentence (Dkt. 228) is **DENIED**.

7 DATED this 13th day of September, 2011.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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